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February 28, 2019

VIA ECF

Hon. Ronnie Abrams
U.S. District Court for the Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

**Re: *Candi Staton Productions, Inc. v. Warner Bros. Records Inc.*,
Case No. 1:18-cv-11989 (RA)**

Dear Judge Abrams:

The parties submit this joint letter pursuant to the Order and Notice of Initial Conference (Docket No. 7).

(1) Nature of the Action & Principal Defenses. This is an action for declaratory judgment to clarify the rights of the parties with respect to copyright ownership in the sound recordings included on the Candi Staton albums, House of Love, Chance and Candi Staton. Plaintiff further alleges copyright infringement, in violation of 17 U.S.C. ¶¶ 101, *et seq.* arising from the defendants' unauthorized reproduction, distribution and public performance of the sound recordings. Defendant denies the allegations in the complaint.

(2) Jurisdiction & Venue.

Plaintiff alleges that:

This Court has personal jurisdiction over defendant because it has directed its activities and marketing of the infringing works discussed herein at New York residents, and New York residents are able to purchase the infringing works. Defendant thus does continuous and systematic business and/or have a place of business in this Judicial District. Venue is proper in this Judicial District pursuant to 28 U.S.C 1391(b), 1391(c) and 1400(a) because defendant maintains offices in and is subject to personal jurisdiction in this Judicial District and has committed unlawful acts of infringement in this Judicial District. In addition, plaintiff maintains its place of business in this Judicial District. This Court has subject matter jurisdiction pursuant

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to 28 U.S.C. §§ 1331 and 1338(a).

Defendant does not dispute that this Court has personal jurisdiction over Defendant, that venue is properly laid in this Court or that this Court has subject matter jurisdiction over this action.

With respect to the parties, please take notice that:

Plaintiff, Candi Staton Productions, Inc. is a New York corporation with a principal place of business in New York, New York.

Defendant Warner Bros. Records Inc. is a Delaware corporation with an address at 3300 Warner Boulevard, Burbank, California 91505-4632

(3) Contemplated and Outstanding Motions. There are no open motions. Potential motions include: motion(s) for judgment on the pleadings, motion(s) for summary judgment.

(4) Discovery. No discovery has taken place other than informal disclosure during settlement discussions.

(5) Settlement. The parties have engaged in initial settlement discussions, which remain in progress. The parties request referral to a Magistrate Judge for a settlement conference.

(6) Length of Trial. The parties estimate the length of trial to be 3-5 days.

(7) Dispositive or Novel Issues. This copyright ownership dispute may involve the novel legal issue of whether “gap grants” are subject to the copyright termination provision, 17 U.S.C. § 203. See Cmplt., ¶¶ 23-25 (Dkt. No. 1).

Respectfully submitted,



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